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9           **UNITED STATES DISTRICT COURT**  
10          **FOR THE DISTRICT OF ARIZONA**  
11          **TUCSON DIVISION**

12          **BRANDON LAND,**  
13          **an individual,**  
14          **PLAINTIFF,**  
15          **v.**  
16          **SCG NORTHPOINTE LLC,**  
17          **a limited liability company,**  
18          **DEFENDANT.**

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**COMPLAINT**

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**CASE#** \_\_\_\_\_

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19           **COMPLAINT**

20          Plaintiff BRANDON LAND (“LAND” or “Plaintiff”) hereby sues  
21          Defendant, SCG-NORTHPOINTE LLC, a limited liability company, (hereinafter  
22          “Defendant”) pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12181  
23          *et seq.* (“ADA”), and its implementing regulations, the ADA’s Accessibility  
24          Guidelines, 28 C.F.R. Part 36 (“ADAAG”) and alleges as follows:  
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## **PRELIMINARY STATEMENT**

1. Though not required by the ADA, Plaintiff attempted to resolve this matter prior to filing the present complaint but was unable to do so.

2. Defendant's ADA violations create real and significant barriers to entry for disabled persons such as Plaintiff. Pursuant to Title III of the ADA, Plaintiff seeks declaratory and injunctive relief requiring Defendant to (1) remedy the violations identified herein and (2) enact and adhere to a policy that ensures the proper maintenance of the property to avoid future ADA violations.

## **JURISDICTION AND PARTIES**

3. This is an action for declaratory and injunctive relief pursuant to Title III of the ADA. This Court is vested with original jurisdiction over the action pursuant to 28 U.S.C. §§ 1331 and 1343 for Plaintiff's claims pursuant to 42 U.S.C. § 12181 *et seq.*, based upon Defendant's, SCG-NORTHPOINTE LLC's, failure to remove physical barriers to access and violations of Title III of the ADA.

4. Venue is properly located in the DISTRICT OF ARIZONA IN THE TUCSON DIVISION pursuant to 28 U.S.C. § 1391(b) because venue lies in the judicial district of the property situs or the judicial district in which a substantial part of the events or omissions giving rise to Plaintiff's claims occurred. The Defendant's property is located in and does business within this judicial district and all events giving rise to this lawsuit occurred in this judicial district.

1       5. Plaintiff, BRANDON LAND, is and has been at all times relevant to  
2 the instant matter, a natural person residing in Arizona and is sui juris.  
3

4       6. Plaintiff is an individual with disabilities as defined by the ADA.

5       7. Plaintiff is substantially limited in performing one or more major life  
6 activities, including but not limited to: walking and standing.  
7

8       8. Plaintiff uses a wheelchair for mobility purposes.

9       9. Plaintiff is also an independent advocate of the rights of similarly  
10 situated disabled persons and is a “tester” for the purpose of enforcing Plaintiff’s  
11 civil rights, monitoring, determining and ensuring whether places of public  
12 accommodation are in compliance with the ADA. Plaintiff’s motivation to return to  
13 a location, in part, stems from a desire to utilize ADA litigation to make his home  
14 community more accessible for Plaintiff and others; and pledges to do whatever is  
15 necessary to create the requisite standing to confer jurisdiction upon this Court so  
16 an injunction can be issued correcting the numerous ADA violations on the Subject  
17 Property, including returning to the Subject Property as soon as it is accessible  
18 (“Advocacy Purposes”).  
19

20       10. Defendant, SCG-NORTHPOINTE LLC, is a limited liability company  
21 conducting business in the State of Arizona and within this judicial district.  
22

**FACTUAL ALLEGATIONS**

11. On or about January of 2023, Plaintiff attempted to but was deterred  
from patronizing and/or gaining equal access as a disabled patron to the Shopping  
Center located at 6741 N Thornydale Rd #121, Tucson, AZ 85741 (“Subject  
Facility”, “Subject Property”).

12. SCG-NORTHPOINTE LLC is the owner, lessor, and/or  
operator/lessee of the real property and improvements that are the subject of this  
action, specifically the Shopping Center and its attendant facilities, including  
vehicular parking and common exterior paths of travel within the site identified by  
the Pima County Assessor parcel identification number 101-05-0710, 101-05-0720,  
101-05-0730, 101-05-0740, 101-05-0750 and 101-05-076C (“Subject Facility”,  
“Subject Property”).

13. Plaintiff lives within thirty (30) miles of the Subject Property. Because  
the Subject Property is located on a Pima County thoroughfare that he frequents  
routinely, he is routinely where the Subject Property is located and travels in and  
about the immediate area of the Subject Property numerous times every month, if  
not every week.

14. Plaintiff’s access to the Subject Property and/or full and equal  
enjoyment of the goods, services, facilities, privileges, advantages and/or  
accommodations offered therein were denied and/or limited because of his

1 disabilities, and he will be denied and/or limited in the future unless and until  
2 Defendant, SCG-NORTHPOINTE LLC, is compelled to remove the physical  
3 barriers to access and correct the ADA violations that exist at the Subject Property,  
4 including those set forth in this Complaint.

5       15. Plaintiff has visited, i.e. attempted to patronize, the Subject Property  
6 on multiple prior occasions, and at least once before as a patron and advocate for  
7 the disabled. Plaintiff intends on revisiting the Subject Property within six months  
8 of the filing of this Complaint or sooner, as soon as the barriers to access detailed  
9 in this Complaint are removed. The purpose of the revisit is to be a regular patron,  
10 to determine if and when the Subject Property is made accessible, and to maintain  
11 standing for this lawsuit for Advocacy Purposes.

12       16. Plaintiff intends on revisiting the Subject Property to enjoy the same  
13 experiences, goods, and services available to Defendant's non-disabled patron as  
14 well as for Advocacy Purposes, but does not intend to continue to repeatedly  
15 re-expose himself to the ongoing barriers to equal access and engage in the futile  
16 gesture of attempting to patronize the Subject Property, a business of public  
17 accommodation known to Plaintiff to have numerous and continuing barriers to  
18 equal access for wheelchair users.

19       17. Plaintiff recently traveled to the Subject Property as a patron and as an  
20 independent advocate for the disabled, encountered and/or observed the barriers to  
21

1 access that are detailed in this Complaint, engaged those barriers where physically  
2 possible, suffered legal harm and legal injury, and will continue to suffer such harm  
3 and injury as a result of the illegal barriers to equal access present at the Subject  
4 Property.

5 **COUNT I – CLAIM FOR INJUNCTIVE RELIEF**

6 **(Against Defendant for ADA Violations)**

7 18. The effective date of Title III of the ADA was January 26, 1992 (or  
8 January 26, 1993, if a defendant has 10 or fewer employees and gross receipts of  
9 \$500,000 or less). 42 U.S.C. § 12181; 28 C.F.R. § 36.508(a).

10 19. The Subject Property is a public accommodation and service  
11 establishment.

12 20. Pursuant to the mandates of 42 U.S.C. § 12134(a), on July 26, 1991,  
13 the Department of Justice and Office of Attorney General promulgated federal  
14 regulations to implement the requirements of the ADA. 28 C.F.R. Part 36.

15 21. Public accommodations were required to conform to these regulations  
16 by January 26, 1992 (or by January 26, 1993, if a defendant has 10 or fewer  
17 employees and gross receipts of \$500,000 or less). 42 U.S.C. § 12181 *et seq.*; 28  
18 C.F.R. § 36.508(a).

19 22. The Subject Property must be, but is not, in compliance with the ADA  
20 and the ADAAG.

1       23. Plaintiff has attempted to, and has to the extent possible, accessed the  
2 Subject Property in his capacity as a patron at the Subject Property and as an  
3 independent advocate for the disabled, but could not fully do so because of his  
4 disabilities resulting from the physical barriers to access, dangerous conditions and  
5 ADA violations that exist at the Subject Property that preclude and/or limit his  
6 access to the Subject Property and/or the goods, services, facilities, privileges,  
7 advantages and/or accommodations offered therein, including those barriers,  
8 conditions and ADA violations more specifically set forth in this Complaint.

12      24. Plaintiff intends to visit the Subject Property again in the very near  
13 future as a patron and as an independent advocate for the disabled, in order to  
14 utilize all of the goods, services, facilities, privileges, advantages and/or  
15 accommodations commonly offered to able-bodied patrons of the Subject Property  
16 but will be unable to fully do so because of his disability and the physical barriers  
17 to access, dangerous conditions and ADA violations that exist at the Subject  
18 Property that preclude and/or limit his access to the Subject Property and/or the  
19 goods, services, facilities, privileges, advantages and/or accommodations offered  
20 therein, including those barriers, conditions and ADA violations more specifically  
21 set forth in this Complaint.

26      25. Defendant, SCG-NORTHPOINTE LLC, has discriminated against  
27 Plaintiff (and others with disabilities) by denying his access to, and full and equal  
28

enjoyment of the goods, services, facilities, privileges, advantages and/or accommodations of the Subject Property, as prohibited by, and by failing to remove architectural barriers as required by, 42 U.S.C. § 12182(b)(2)(A)(iv).

26. Defendant, SCG-NORTHPOINTE LLC, will continue to discriminate against Plaintiff and others with disabilities unless and until SCG-NORTHPOINTE LLC is compelled to remove all physical barriers that exist at the Subject Property, including those specifically set forth herein, and make the Subject Property accessible to and usable by Plaintiff and other persons with disabilities.

27. A specific list of unlawful physical barriers, dangerous conditions and ADA violations which Plaintiff experienced and/or observed that precluded and/or limited Plaintiff's access to the Subject Property and the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of the Subject Property include, but are not limited to:

## ACCESSIBLE ROUTES/PARKING (Exterior)

- a. There is no accessible route provided within the site from the public sidewalk which serves the Subject Facility. Violation: There is no accessible route connecting the public sidewalk serving the subject facility and any accessible entrance(s) in violation of Section 4.3.2 of the 1991 ADAAG and Section 206.2.1 of the 2010 ADAAG. These violations made

1 it dangerous for Plaintiff to utilize the parking facility  
2 at the Subject Property and caused Plaintiff loss of  
3 opportunity.

- 4
- 5 b. The paint delineating the designated accessible  
6 parking spaces and access aisles are not being  
7 maintained so that it clearly marks the accessible  
8 parking location in violation of 28 CFR § 36.211,  
9 Section 4.6 of the 1991 ADAAG, and Section 502.3.3  
10 of the 2010 ADAAG. These violations made it  
11 dangerous for Plaintiff to utilize the parking facility at  
12 the Subject Property and caused Plaintiff loss of  
13 opportunity.
- 14
- 15 c. There is no accessible route provided within the site  
16 from the public sidewalk which serves the Subject  
17 Facility. Violation: There is no accessible route  
18 connecting the public sidewalk serving the subject  
19 facility and any accessible entrance(s) in violation of  
20 Section 4.3.2 of the 1991 ADAAG and Section  
21 206.2.1 of the 2010 ADAAG. These violations made  
22 it dangerous for Plaintiff to utilize the parking facility  
23 at the Subject Property and caused Plaintiff loss of  
24 opportunity.

25

26 Orange Grove Chiropractic

27

- 28 d. The access aisles adjacent to the designated accessible  
spaces have curb ramps projecting into them and/or  
have surfaces which are otherwise not level in all  
directions in violation of 28 CFR § 36.211, Section  
4.6.3 of the 1991 ADAAG and Section 502.4 of the  
2010 ADAAG. These violations made it dangerous  
for Plaintiff to utilize the parking facility at the  
Subject Property and caused Plaintiff loss of  
opportunity.

- e. The curb ramp leading to the entrance of the Subject Property from the parking facility has flared sides, which are steeper than 1:10. This is in violation of 28 CFR § 36.211, 4.7.5 of the 1991 ADAAG, and 406.3 of 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.
  - f. The ramp to the accessible entrance (the only means of access to wheelchair users) has a run which exceeds the maximum slope requirement (8.33%) set forth in Section 4.7.2 of the 1991 ADAAG and Section 406.1 of the 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.

## North Pointe Dental Office

- g. The access aisles adjacent to the designated accessible spaces have curb ramps projecting into them and/or have surfaces which are otherwise not level in all directions in violation of 28 CFR § 36.211, Section 4.6.3 of the 1991 ADAAG and Section 502.4 of the 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.
  - h. The curb ramp leading to the entrance of the Subject Property from the parking facility has flared sides, which are steeper than 1:10. This is in violation of 28 CFR § 36.211, 4.7.5 of the 1991 ADAAG, and 406.3 of 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the

1 parking facility at the Subject Property and caused  
2 Plaintiff loss of opportunity.

- 3 i. The ramp to the accessible entrance (the only means  
4 of access to wheelchair users) has a run which  
5 exceeds the maximum slope requirement (8.33%) set  
6 forth in Section 4.7.2 of the 1991 ADAAG and  
7 Section 406.1 of the 2010 ADAAG. These violations  
8 made it dangerous for Plaintiff to utilize the parking  
9 facility at the Subject Property and caused Plaintiff  
loss of opportunity.

10 Dunn-Edwards Paints Store

- 11 j. The access aisles adjacent to the designated accessible  
12 spaces have curb ramps projecting into them and/or  
13 have surfaces which are otherwise not level in all  
14 directions in violation of 28 CFR § 36.211, Section  
15 4.6.3 of the 1991 ADAAG and Section 502.4 of the  
16 2010 ADAAG. These violations made it dangerous  
17 for Plaintiff to utilize the parking facility at the  
18 Subject Property and caused Plaintiff loss of  
opportunity.
- 19 k. The curb ramp leading to the entrance of the Subject  
20 Property from the parking facility has flared sides,  
21 which are steeper than 1:10. This is in  
22 violation of 28 CFR § 36.211, 4.7.5 of the 1991  
23 ADAAG, and 406.3 of 2010 ADAAG. These  
24 violations made it dangerous for Plaintiff to utilize the  
25 parking facility at the Subject Property and caused  
Plaintiff loss of opportunity.
- 26 l. The ramp to the accessible entrance (the only means  
27 of access to wheelchair users) has a run which  
28 exceeds the maximum slope requirement (8.33%) set  
forth in Section 4.7.2 of the 1991 ADAAG and

1                   Section 406.1 of the 2010 ADAAG. These violations  
2 made it dangerous for Plaintiff to utilize the parking  
3 facility at the Subject Property and caused Plaintiff  
loss of opportunity.

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5                   Iron Door Arizona Store

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- 8                   m. There is no van-accessible parking present in violation  
9 of Section 4.6 of the 1991 ADAAG and Section 502  
10 of the 2010 ADAAG. These violations made it  
dangerous for Plaintiff to utilize the parking facility at  
the Subject Property and caused Plaintiff loss of  
opportunity.
- 11
- 12                  n. There is no van-accessible parking identified as such  
13 with upright “Van Accessible” signage in violation of  
14 Section 4.6 of the 1991 ADAAG and Sections 208,  
15 302 and 502 of the 2010 ADAAG. These violations  
16 made it dangerous for Plaintiff to utilize the parking  
17 facility at the Subject Property and caused Plaintiff  
loss of opportunity.
- 18
- 19                  o. The paint delineating the designated accessible  
20 parking spaces and access aisles are not being  
21 maintained so that it clearly marks the accessible  
22 parking location in violation of 28 CFR § 36.211,  
23 Section 4.6 of the 1991 ADAAG, and Section 502.3.3  
24 of the 2010 ADAAG. These violations made it  
25 dangerous for Plaintiff to utilize the parking facility at  
the Subject Property and caused Plaintiff loss of  
opportunity.
- 26
- 27                  p. The access aisles are too narrow in violation of  
28 Section 4.1 of the 1991 ADAAG and Section 503 of  
the 2010 ADAAG. These violations made it  
dangerous for Plaintiff to utilize the parking facility at

the Subject Property and caused Plaintiff loss of opportunity.

- q. The ramps to the accessible entrance (the only means of access to wheelchair users) have a run that exceeds the maximum slope requirement (8.33%) set forth in Section 4.7.2 of the 1991 ADAAG and Section 406.1 of the 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.
  - r. The access aisles adjacent to the designated accessible spaces have curb ramps projecting into them and/or have surfaces which are otherwise not level in all directions in violation of 28 CFR § 36.211, Section 4.6.3 of the 1991 ADAAG and Section 502.4 of the 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.
  - s. The curb ramps leading to the entrance of the Subject Property from the parking facility has flared sides, which are steeper than 1:10. This is in violation of 28 CFR § 36.211, 4.7.5 of the 1991 ADAAG, and 406.3 of 2010 ADAAG. These violations made it dangerous for Plaintiff to utilize the parking facility at the Subject Property and caused Plaintiff loss of opportunity.

## MAINTENANCE PRACTICES

- t. Defendant has a practice of failing to maintain the accessible features of the facility, creating barriers to access for the Plaintiff, as set forth herein, in violation of 28 CFR § 36.211. This practice prevented access to

the plaintiff equal to that of Defendant's able-bodied customers causing Plaintiff loss of opportunity.

- u. Defendant has a practice of failing to maintain the accessible elements at the Subject Facility by neglecting its continuing duty to review, inspect, and discover transient accessible elements which by the nature of their design or placement, frequency of usage, exposure to weather and/or other factors, are prone to shift from compliant to noncompliant so that said elements may be discovered and remediated. Defendant failed and continues to fail to alter its inadequate maintenance practices to prevent future recurrence of noncompliance with dynamic accessible elements at the Subject Facility in violation of 28 CFR § 36.211, the 1991 ADAAG, and the 2010 ADAAG. These violations, as set forth hereinabove, made it impossible for Plaintiff to experience the same access to the goods, services, facilities, privileges, advantages and accommodations of the Subject Facility as Defendant's able-bodied patrons and caused Plaintiff loss of opportunity.
  - v. Defendant has failed to modify its discriminatory maintenance practices to ensure that, pursuant to its continuing duty under the ADA, the Subject Property remains readily accessible to and usable by disabled individuals, including Plaintiff, as set forth herein, in violation of 28 CFR § 36.302 and 36.211. This failure by Defendant prevented access to the plaintiff equal to that of Defendant's able-bodied customers causing Plaintiff loss of opportunity.

28. The discriminatory violations described above are not an exhaustive list of the Defendant's current barriers to equal access and violations of the ADA

1 because Plaintiff was unable to access and assess all areas of the subject premises  
2 due to the architectural barriers encountered. A complete list of the subject  
3 location's ADA violations affecting the Plaintiff as a wheelchair user, and the  
4 remedial measures necessary to remove same, will require an on-site inspection by  
5 Plaintiff's representatives pursuant to Federal Rule of Civil Procedure 34. Once the  
6 Plaintiff personally encounters discrimination, as alleged above, or learns of  
7 discriminatory violations through expert findings of personal observation, he has  
8 actual notice that the defendant does not intend to comply with the ADA.

12       29. The Defendant has a practice of failing to maintain the accessible  
13 elements at the Subject Property by neglecting its continuing duty to review,  
14 inspect, and discover transient accessible elements which by the nature of its  
15 design or placement, frequency of usage, exposure to weather and/or other factors,  
16 are prone to shift from compliant to noncompliant, so that said elements are  
17 discovered and remediated. Defendant failed and continues to fail to alter its  
18 inadequate maintenance practices to prevent future recurrence of noncompliance  
19 with dynamic accessible elements at the Subject Property in violation of 28 CFR  
20 §§ 36.202 and 36.211. These violations, as referenced hereinabove, made it  
21 impossible for Plaintiff, as a wheelchair user, to experience the same access to the  
22 goods, services, facilities, privileges, advantages and accommodations of the  
23 Subject Property as Defendant's able-bodied patrons.

1       30. Accessible elements at the Subject Property have been altered and/or  
2 constructed since 2010.  
3

4       31. The foregoing violations are violations of the 1991 ADAAG, and the  
5 2010 ADAAG, as adopted by the U.S. Department of Justice. In instances where  
6 the 2010 ADAAG standards do not apply, the 1991 ADAAG standards apply, and  
7 all of the alleged violations set forth herein can be modified to comply with the  
8 1991 ADAAG standards.  
9

10      32. The removal of the physical barriers, dangerous conditions and ADA  
11 violations alleged herein is readily achievable and can be accomplished and carried  
12 out without significant difficulty or expense. 42 U.S.C. § 12182(b)(2)(A)(iv); 42  
13 U.S.C. § 12181(9); 28 C.F.R. § 36.304.  
14

15      33. Each of the violations alleged herein is readily achievable to modify to  
16 bring the Subject Property into compliance with the ADA.  
17

18      34. Removal of the physical barriers and dangerous conditions present at  
19 the Subject Property is readily achievable because of the site conditions at the  
20 Subject Property, the structural design of the subject facility, and the  
21 straightforward nature of the necessary modifications.  
22

23      35. To assist businesses in offsetting the costs associated with complying  
24 with the ADA and removing barriers to access for individuals with disabilities,  
25 Section 44 of the IRS Code provides a tax credit for small business owners, and  
26  
27

1 Section 190 of the IRS Code provides a tax deduction for all business owners,  
2 including the Defendant.  
3

4       36. Removal of the physical barriers and dangerous conditions at the  
5 Subject Property is readily achievable because of the relative low cost of the  
6 necessary modifications and the Defendant has the financial resources to make the  
7 modifications, including the financial assistance made available to Defendant by  
8 the government pursuant to Section 44 and/or Section 190 of the IRS Code.  
9

10      37. By continuing to maintain and/or operate the Subject Property with  
11 discriminatory conditions in violation of the ADA, Defendant contributes to  
12 Plaintiff's sense of isolation and segregation and deprives Plaintiff of the full and  
13 equal enjoyment of the goods, services, facilities, privileges, and accommodations  
14 available to able bodied individuals of the general public.  
15

16      38. Defendant is required to remove the existing architectural barriers to  
17 the physically disabled when such removal is readily achievable for its places of  
18 public accommodation that have existed prior to January 26, 1992, 28 CFR  
19 36.304(a); additionally, if there has been an alteration to Defendant's place of  
20 public accommodation since January 26, 1992, then Defendant is required to  
21 ensure to the maximum extent feasible, that the altered portions of the facility are  
22 readily accessible to and usable by individuals with disabilities, including people  
23 who use wheelchairs, 28 CFR 36.402; and finally, if the Defendant's facilities were  
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1 designed and constructed for first occupancy subsequent to January 26, 1993, as  
2 defined in 28 CFR 36.401, then the Defendant's facilities must be readily  
3 accessible to and useable by individuals with disabilities as defined by the ADA.  
4 To date, Defendant has failed to comply with this mandate.

5       39. Plaintiff is without adequate remedy at law and is suffering irreparable  
6 harm and reasonably anticipates that he will continue to suffer irreparable harm  
7 unless and until Defendant, SCG-NORTHPOINTE LLC, is required to remove the  
8 physical barriers, dangerous conditions and ADA violations that exist at the  
9 Subject Property, including those alleged herein. Considering the balance of  
10 hardships between the Plaintiff and Defendant, a remedy in equity is warranted.

11       40. Plaintiff's requested relief serves the public interest.

12       41. Plaintiff's counsel is entitled to recover his reasonable attorneys' fees  
13 and costs of litigation from Defendant, SCG-NORTHPOINTE LLC, pursuant to 42  
14 U.S.C. §§ 12188, 12205 and 28 CFR 36.505. Plaintiff will be denied full and equal  
15 access to the subject premises, as provided by the ADA unless the injunctive relief  
16 requested herein is granted.

17       42. Pursuant to 42 U.S.C. § 12188, this Court is vested with the authority  
18 to grant Plaintiff injunctive relief; including an Order to alter the subject facilities  
19 to make them readily accessible to, and useable by, individuals with disabilities to  
20 the extent required by the ADA, and closing the subject facilities until the requisite

1 modifications are completed, and ordering Defendant to fulfill its continuing duty  
2 to maintain the accessible features at the premises in the future as mandated by 28  
3 CFR 36.211.

4  
5 WHEREFORE, the Plaintiff prays as follows:  
6  
7 A. That the Court find Defendant, SCG-NORTHPOINTE  
8 LLC, in violation of the ADA and ADAAG;  
9  
10 B. That the Court enter an Order requiring Defendant,  
11 SCG-NORTHPOINTE LLC, to (i) remove the physical  
12 barriers to access and (ii) alter the Subject Property to  
make the Subject Property readily accessible to and  
useable by individuals with disabilities to the full extent  
required by Title III of the ADA;  
13  
14 C. That the Court enter an Order directing Defendant,  
15 pursuant to 28 C.F.R. §36.211, to fulfill its continuing  
16 duty to maintain its accessible features and equipment so  
that the facility remains accessible to and useable by  
individuals with disabilities to the full extent required by  
Title III of the ADA;  
17  
18 D. That the Court enter an Order directing Defendant to  
19 implement and carry out effective policies, practices, and  
20 procedures to maintain the accessible features and  
21 equipment pursuant to 28 C.F.R. §36.302 and 28 C.F.R.  
§36.211.  
22  
23 E. That the Court enter an Order directing Defendant to  
24 evaluate and neutralize its policies and procedures  
25 towards persons with disabilities for such reasonable time  
so as to allow them to undertake and complete corrective  
procedures;  
26  
27 F. An award of attorneys' fees, costs (including expert  
28 fees), and litigation expenses pursuant to 42 U.S.C. §  
12205 and an award of monitoring fees associated with

1 ensuring that the Defendant is in compliance with the  
2 ADA.

- 3 G. An award of interest upon the original sums of said  
4 award of attorneys' fees, costs (including expert fees),  
5 and other expenses of suit; and  
6 H. Such other relief as the Court deems just and proper,  
7 and/or is allowable under Title III of the Americans with  
8 Disabilities Act.

9 **Dated** this 4th day of August 2023.

10  
11 Respectfully submitted,

12 /s/ C. Ray Lundberg

13  
14 By: C. Ray Lundberg, Esq.  
15 Counsel for Plaintiff  
16 Arizona State Bar No.: 025605  
17 Telephone: 928-263-2026  
Email: Ray@mohavelawaz.com

18 **DEFENDANT TO BE SERVED:**

19 SCG-NORTHPOINTE LLC  
20 C/O CORPORATION SERVICE COMPANY  
21 8825 N 23RD AVE STE 100,  
PHOENIX, AZ 85021, USA